

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name POTJANEE, INC.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 46-1344919

4. Debtor's address Principal place of business

371 Palmer Road
Yonkers, NY 10701

Number, Street, City, State & ZIP Code

Westchester
County

Mailing address, if different from principal place of business

48 Carmine Street
New York, NY 10014

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: _____

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))

☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

☐ Chapter 7

☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?
☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
☒ No.
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **POTJANEE, INC.**
Name

Case number (if known)

11. Why is the case filed in this district? *Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (*Check all that apply.*)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:☒ Funds will be available for distribution to unsecured creditors.☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000

15. Estimated Assets

☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000☐ \$50,001 - \$100,000☒ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor

POTJANEE, INC.

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Case number (if known)

Name

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 2018

MM / DD / YYYY

X Thinawan Maneepong
Signature of authorized representative of debtor

Thinawan Maneepong

Printed name

Title Treasurer

18. Signature of attorney

X Lawrence F. Morrison
Signature of attorney for debtor

Date August 7, 2018

MM / DD / YYYY

Lawrence F. Morrison

Printed name

Morrison Tenenbaum, PLLC

Firm name

87 Walker Street, Second Floor

New York, NY 10013

Number, Street, City, State & ZIP Code

Contact phone 212-620-0938

Email address info@m-t-law.com

2889590 NY

Bar number and State

Fill in this information to identify the case:

Debtor name POTJANEE, INC.

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- ☐ Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- ☐ Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- ☐ Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- ☐ Schedule H: Codebtors (Official Form 206H)
- ☐ Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)
- ☐ Amended Schedule _____
- ☒ Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 7, 2018

x Thinawan Maneepong
Signature of individual signing on behalf of debtor

Thinawan Maneepong
Printed name

Treasurer
Position or relationship to debtor

**United States Bankruptcy Court
Southern District of New York**In re POTJANEE, INC.

Debtor(s)

Case No.

Chapter

11**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
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Bhimwalan Tanjiam 100%

Equity

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Treasurer** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date August 7, 2018

Signature

Thirawan Maneepong
Thirawan Maneepong

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

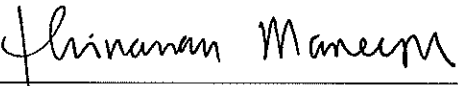
**United States Bankruptcy Court
Southern District of New York**

In re POTJANEE, INC. Debtor(s) Case No. Chapter 11

VERIFICATION OF CREDITOR MATRIX

I, the Treasurer of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: August 7, 2018



Thinawant Maneepong/Treasurer
Signer/Title

ALL COLLECT INC.
48 CARMINE STREET
NEW YORK, NY 10014

CRISTOBAL BADILLO
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

INTERNAL REVENUE SERVICE
CENTRAL INSOLVENCY UNIT
PO BOX 7346
PHILADELPHIA, PA 19101

JORGE CEREZO
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

JORGE SANCHEZ
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

KRIS SUTHAYABHORN
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

NYS DEPT. OF TAX AND FIN.
BANKRUPTCY SECTION
PO BOX 5300
ALBANY, NY 12205

SANTOS RODRIGUEZ
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

SERGIO PALAFOX
C/O MICHAEL FAILLACE P.C.
60 E. 42ND STREET SUITE 2540
NEW YORK, NY 10165

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

POTJANEE INC. D/B/A POTJANEE

Case No. 18- _____

Debtor.

-----X

AFFIDAVIT PURSUANT TO S.D.N.Y. LOCAL BANKRUPTCY RULE 1007-2

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Thinawan Mnacepong, duly sworn, depose and say:

1. I am the Treasurer of Potjanee Inc. (the "Debtor"), and as such I am familiar with the operations, business and financial affairs of the Debtor. I submit this affidavit in accordance with the S.D.N.Y Local Bankruptcy Rule 1007-2 in support of the voluntary petition being filed by the Debtor.

2. There are no other or prior bankruptcy cases against the Debtor and this petition is being filed as a voluntary Chapter 11 proceeding on August 8, 2018.

3. A copy of the Debtor's board resolution authorizing the Chapter 11 filing is annexed hereto as **Exhibit "A"**.

4. The Debtor is a New York corporation and was incorporated on October 18, 2012.

5. The Debtor operates a Thai cuisine restaurant located at 48 Carmine Street, New York, NY 10014.

6. The Debtor's immediate need for relief in this Court stems from a Fair Labor Standards Act lawsuit filed against the Debtor in the United States District Court for the Southern District of New York.

7. Pursuant to Rule 1007-(a)(4) of the local bankruptcy rules annexed hereto as **Exhibit "B"** is a list containing the names and addresses of the Debtor's twenty (20) largest unsecured creditors, excluding insiders.

8. Pursuant to Rule 1007-2(a)(5) of the local bankruptcy rules, annexed hereto as **Exhibit "C"** is a list containing the names and addresses of the Debtor's five (5) largest secured claims.

9. Pursuant to Rule 1007-2(a)(6) of the local bankruptcy rules, annexed hereto as **Exhibit "D"** is a summary of the Debtor's assets and liabilities. This is an internally generated estimate of assets and liabilities and may require certain adjustments.

10. The Debtor does not have any publicly held shares, debentures, or other securities.

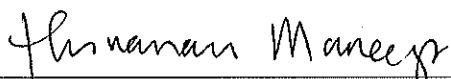
11. There is no property of the Debtor in the possession or custody of any public officer, receiver, trustee, pledge, assignee of rents, liquidators, secured creditors, or agents of such person.

12. The Debtor's assets consist primarily of restaurant food, products, fixtures and equipment. The Debtor's books and records are located at 371 Palmer Road, Yonkers NY 10701.

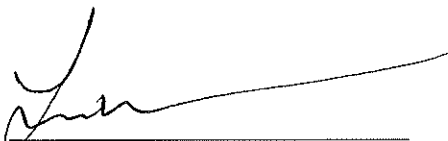
13. The Debtor is managed through its Treasurer, Thinawan Maneepong (the "Manager"). She receives a salary of \$2,400 per month.

14. Aside from the Manager, the Debtor has a total of 3 employees, with an approximate monthly payroll of \$7,200.00, including payroll taxes.

15. The Debtor expected to receive revenue from operations of the business in the amount of approximately \$30,000.00 for the thirty (30) day period following the Chapter 11 filing. The Debtor's operating expenses during the same thirty (30) day period should be approximately \$28,000.00


Thirawan Maneepong, Treasurer

Sworn to before me this
7th day of July 2018


NOTARY PUBLIC

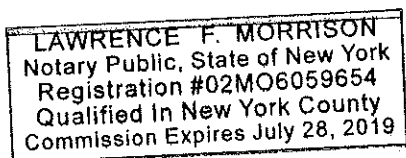


EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

POTJANEE INC. D/B/A POTJANEE

Debtor.

Chapter 11

Case No. 18- ()

CORPORATE RESOLUTION

At the meeting of the Board of Directors of Potjanee Inc. d/b/a Potjanee, a New York corporation ("Potjanee"), it was determined to be in the best interests of Potjanee to file for bankruptcy under Chapter 11 of the United States Bankruptcy Code and the following resolution was adopted:

Whereas, it is in the best interest of this company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that Thinawan Maneepong, Treasurer of this company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Thinawan Maneepong, Treasurer of this company, is authorized and directed to appear in all bankruptcy proceedings on behalf of the company, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case; and

Be It Further Resolved, that Thinawan Maneepong, Treasurer of this company, is authorized and directed to employ Lawrence F. Morrison, attorney and the law firm of Morrison Tenenbaum, PLLC to represent the corporation in such bankruptcy case

Dated: New York, New York
August 7, 2018

By Bhimwan Tanajum.
Name:
Title: President

EXHIBIT B

Fill in this information to identify the case:	
Debtor name	POTJANEE, INC.
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF NEW YORK
Case number (if known):	

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
All Collect Inc. 48 Carmine Street New York, NY 10014						\$80,000.00
Cristobal Badillo c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165			Disputed			\$0.00
Internal Revenue Service Central Insolvency Unit PO Box 7346 Philadelphia, PA 19101						\$40,000.00
Jorge Cerezo c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165			Disputed			\$0.00
Jorge Sanchez c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165			Disputed			\$0.00
Kris Suthayabhorn c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165			Disputed			\$0.00

Debtor **POTJANEE, INC.**

Case number (if known)

Name

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
NYS Dept. of Tax and Fin. Bankruptcy Section PO Box 5300 Albany, NY 12205						\$42,283.18
Santos Rodriguez c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165			Disputed			\$0.00
Sergio Palafox c/o Michael Faillace P.C. 60 E. 42nd Street Suite 2540 New York, NY 10165						\$0.00

EXHIBIT C

NONE

EXHIBIT D

Assets: Approx. \$30,000.00

Liabilities: Approx. \$375,000